

United States District Court

WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

v.

ORDER OF DETENTION PENDING REVOCATION HEARING

ANTHONY MICHAEL ASSFYCase Number: 1:11-CR-305

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending revocation hearing in this case.

Part I - Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is
- ☐ a crime of violence as defined in 18 U.S.C. §3156(a)(4).
- ☐ an offense for which the maximum sentence is life imprisonment or death.
- ☐ an offense for which the maximum term of imprisonment of ten years or more is prescribed in _____
- ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. §3142(f)(1)(A)-(C), or comparable state or local offenses.
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- ☐ (3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternate Findings (A)

- ☐ (1) There is probable cause to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in _____
- ☐ under 18 U.S.C. §924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternate Findings (B)

- ☒ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

While on supervised release, defendant violated the specific requirement that he not travel to Grand Rapids. This requirement had been put in place because of his previous gang affiliations in this city. He not only traveled to Grand Rapids but stayed past his curfew. Further, when he was arrested by police, it was at the scene of a shooting. Although no guns were found, a live round of ammunition was found on the floor of the car where defendant was sitting. (continued on attachment)

Part II - Written Statement of Reasons for Detention

Defendant has failed to show by clear and convincing evidence that he will comply with the conditions of bond in that he has purposely and intentionally come to Grand Rapids, not to visit his family, but to apparently hang out with others at the scene of a shooting, and after his curfew. Defendant's actions continue to demonstrate that he is unwilling to comply with the restrictions imposed by the court.

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: January 8, 2015/s/ Hugh W. Brenneman, Jr.*Signature of Judicial Officer*Hugh W. Brenneman, Jr., United States Magistrate Judge*Name and Title of Judicial Officer*

United States v. ANTHONY MICHAEL ASSFY
1:11-CR-305

ORDER OF DETENTION PENDING REVOCATION HEARING

Page 2.

Alternate Findings (B) - (continued)

Defendant has previously said he did not intend to comply with the requirement that he remain outside Grand Rapids, although his attorney represents that he has now recanted. Defendant cannot be placed in the halfway house in Kalamazoo, since he previously refused to pay the costs there last time, despite being employed.